

**Town of Lincoln**

**100 Old River Road, Lincoln RI**

**Zoning Board of Review**

**March 3, 2009 Minutes**

**Present: Jina Karampetsos Chair , Gabriella Halmi, John Bart, David Gobeille, Lee Blais, Town Solicitor**

**Minutes**

**Motion made by Member Blais to accept the December 2008 minutes as presented. Motion seconded by Member Bart. Motion carried with a 5-0 vote.**

**Correspondence**

**No correspondence.**

**Andover Way d/b/a Storage America, 3900 NW 2nd Avenue, Miami, FL  
– Application for Special Use Permit for the installation of signage on property located at 100 Higginson Ave, Lincoln, RI.**

**AP 1, Lot 133 Zoned: MG 0.5**

**Chair Karampetsos recused herself from the application as she rents space from the applicant. Russell Hervieux, Zoning Official stated he contacted applicant to let them know that a quorum would not be**

sitting to hear the application. Applicant requested it be continued to the April agenda.

Motion made by Member Bart to continue the application to the April Agenda. Motion seconded by Member Blais. Motion carried with a 5-0 vote.

Omnipoint Communications, Inc. a wholly owned subsidiary of T-Mobile USA, Inc., 15 Commerce Way, Suite B, Norton, MA/St. Jude Church, 299 Front Street, Lincoln, RI – Application for Special Use Permit for the operations of a telecommunications tower on property located at 301 Front Street, Lincoln.

AP 10, Lot 57 Zoned: RL 9

AP 9, Lots 1/2/3/4/5/6/7

Omnipoint Communications, Inc. a wholly owned subsidiary of T-Mobile USA, Inc., 15 Commerce Way, Suite B, Norton, MA/St. Jude Church, 299 Front Street, Lincoln, RI – Application for Dimensional Variance for height relief and setback relief the operations of a telecommunications tower on property located at 301 Front Street, Lincoln.

AP 10, Lot 57 Zoned: RL 9

AP 9, Lots 1/2/3/4/5/6/7

Russell Hervieux, Zoning Official addressed the board stating the application was continued at the December meeting because of

notice issues and continued again at the January and February meetings because a quorum lacked. Notices were returned from notices sent in February. Mr. Hervieux notified applicant of the returns and checked with the Tax Assessor's office for correct addresses of record.

Attorney for applicant requested the applications be continued to the June agenda to correct notice issues and supply new updated abutter list and mailing labels.

Motion made by Member Bart to continue the applications to the June agenda. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Eparchy of St. Maron of Brooklynn, NY, 50 Main Street Pawtucket, RI 02860 – 171 Twin River Road, Lincoln, RI – Application for Extension of a Zoning Decision granted on July 10, 2007.

AP45 Lot 361 Zoned: RA-40

Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI

Applicant is seeking a six month extension of decision granted in 2008. Applicant is in process of obtaining necessary permits.

Chair read into the record Planning Board recommendation:

Members of the Technical Review Committee reviewed the submitted

**application for extension of a decision on a special use permit. The Planning Board recommends Approval of the time extension. According to §260-71 of the Zoning Ordinance, the Zoning Board may, upon written request of the applicant, for good cause shown, extend the decision of the applicant for a period not to exceed six months.**

**James Sponner asked if applicant needs to reapply after the six months expire. Chair responded that as long as applicant shows due diligence the Board is obliged to grant extensions.**

**No opposition present.**

**Motion made by Member Bart to grant a six month extension from March 3, 2009. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Fabar & Julia Salazar, 1 Preakness Drive, Lincoln, RI – Application for Dimensional Variance seeking rear yard and height relief for the construction of a cabana/poolhouse.**

**AP 26, Lot 185 Zoned: RA 40**

**Russell Hervieux, Zoning Official informed the Board that two notices were returned but addresses match what is on file in the Tax Assessor's office so due notice was served.**

**Represented by: John Shekarchi, Esquire**

**Attorney Shekarchi informed the Board that his expert was not present due to an emergency and asked that the application be continued.**

**Motion made by member Bart to continue the application to the May agenda. Motion seconded by Member Blais. Motion carried with a 5-0 vote.**

**John P. Dube, 19 Hopkins Street, Lincoln, RI – Application for Dimensional Variance seeking side and rear yard setback for the construction of an addition.**

**AP 6, Lot 18 Zoned: RG 7**

**Chair informed applicant what standards need to be met for a Dimensional Variance.**

**Russell Hervieux, Zoning Official informed the Board that two notices were returned but addresses match what is on file in the Tax Assessor's office so due notice was served.**

**Applicant is seeking a 7.99 foot rear yard relief for the construction of an addition for additional living space. House is on a 5,000 square foot lot and was built in 1924 with no on-street parking available. Cannot expand to the right because of existing plumbing and it would eliminate the driveway. Exterior and roof of addition will match**

**existing house.**

**Russell Hervieux, Zoning Official informed the Board that it was a substandard lot of record and applicant does not need side yard relief only 7.99 foot rear relief to the final building line.**

**Chair read into the record planning Board recommendation.**

**The Planning Board recommends Approval of this application for a Dimensional Variance from the side and rear yard setbacks for the construction of an addition. The TRC reviewed the submitted site plans and visited the site. The Planning Board determined that the layout of the existing single family house and the proposed addition is limited due to the limited lot size and plumbing configuration of the existing house. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Planning Board feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.**

**James Spooner asked of property to the west side would be affected. Chair replied that issue was not before the Board.**

**Motion made by Member Blais to approve 7.99 rear yard relief stating:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a**

**physical or economic disability of the applicant.**

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

**Motion seconded by Member Bart. Motion carried with a 5-0 vote.**

**Cox TMI Wireless LLC, 5775 Peachtree Dun Woody Road, Atlanta, GA  
–Application for Special Use Permit for telecommunications  
equipment for use on property located at 1320 Eddie Dowling  
Highway, Lincoln, RI.**

**AP 40, Lot 17 Zoned: BL 05**

**Represented by Joseph Giammarco, Esquire**

**Chair informed applicant what standards need to be met for a Special Use Permit.**

**Russell Hervieux, Zoning Official informed the Board that the Area of**

**Planning Concern Committee minutes were not available for their review.**

**They are a new carrier to the area with no other towers – this would be the first in the State of Rhode Island. No coverage maps were available for Board review. Towers will be 160 foot tall lattice style and they plan on removing two existing antennas at the site and install three new antennas. Coaxial cables will be located in cabinets on site. No generators will be housed at this location and signs will be attached to fencing in compliance with all zoning regulations. This is an authorized use which will be unmanned and passive in nature. Proposed use will not alter the neighborhood or burden town services. Proposed antennas are six feet in length.**

**Chair read Technical Review Committee recommendation.**

**Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The Planning Board recommends Approval of this Special Use Permit application. The proposed project represents the installation, operation and maintenance of a wireless communications facility on the property. The applicant is proposing to install telecommunication antennas onto the existing tower. All other equipment will be located within the existing outdoor facility located at the base of the tower. Based on a site visit, the Planning Board feels that the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the Article 11.A.7.14. The Planning Board feels**



**that the Special Use Permit will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.**

**Russell Hervieux, Zoning Official read Area of Planning Concern Committee recommendation dated January 2009 into the record.**

**James Spooner asked what the reach of the three new antennas would be. Applicant replied they did not know until they turned it on because it would be the first one in the State and this is an anchor site. Our ordinance favors telephone equipment placed on existing towers as opposed to buildings. Federal communication law allows towers in municipalities – it is a permitted use.**

**No opposition present.**

**Motion made by Member Blais to grant as it is a permitted use. He further stated:**

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**

**Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Bala and Jayne Sundaram, 16 Harris Avenue, Lincoln, RI - Application for Dimensional Variance seeking front and side yard setbacks for the construction of an addition.**

**AP 27, Lot 34 Zoned: RA 40**

**Chair read into the record standards that need to be met for a Dimensional Variance.**

**This is a unique lot with house built in 1954 Applicant wants to construct a 50'x55' addition with a living room, sun room, kitchen, bedroom and garage.**

**Chair informed applicant that the Technical Review committee was recommending denial of this application based on concerns of addition size and placement. Suggested the applicant may want to reconfigure the plans because the proposed addition is 2 ½ times size of the existing home and if the Board were to deny the application they could not reapply for one year. Chair suggested applicant request a continuance to reconfigure the plans and return in June allowing addition to fit within the building envelope.**

**Applicant requested continuance to the June agenda.**

**Motion made by Member Gobeille to continue the application to the**

**June agenda. Motion seconded by Member Bart. Motion carried with a 5-0 vote.**

**Motion made by Member Halmi to adjourn the meeting. Motion seconded y Member Bart. Motion carried with a 5-0 vote.**

**Respectfully submitted,**

**Ghislaine D. Therien**

**Recording Secretary**